wherein upon impact force with said frame, said bias member compresses and after the impact force is released, said dampener slows the return speed of said bias member towards its pre-impact position for preventing the second end of the shaft from springing back to its pre-impact position.

16. A child-safe handlebar comprising:

a generally tubular frame having a tubular outer end;

a shaft having opposing first and second ends, the first shaft end being slidably telescoped with the frame outer end; and

a fluid dampener operatively associated with the frame, the shaft and the bias member, said dampener slows a return speed of the bias member upon impact force with said frame towards its pre-impact position to slow movement of the shaft out of the outer end,

wherein upon impact force with said frame, said bias member compresses and after the impact force is released, said dampener slows the return speed of said bias member towards its pre-impact position for preventing the second end of the shaft from springing back to its pre-impact position.

REMARKS

The Office Action dated September 17, 2002, has been carefully considered. Claims 1 and 16 have been amended. Claims 1-4, 12-16, 19 and 20 are in this application.

Applicants thank the Examiner for the courtesies extended during a February 12, 2003 interview. In summary, the differences of the present invention over the Fenton reference were discussed by Applicants. Applicants noted that the dampener of the present invention provides a slowing of the return speed of the bias member to prevent the shaft from springing back into the rider and causing addition harm to the rider. The Examiner suggested amending the language of the claims to overcome the Fenton reference.

Claims 1 and 16 have been amended to more clearly recite features of the present invention. In particular, claim 1 has been amended to recite that the dampener slows a

return speed of the bias member upon impact force towards its pre-impact position, thereby preventing the shaft from springing back to its pre-impact position. Support for this amendment is found throughout the specification and in particular on page 12, lines 1-3. No new matter has been entered.

The drawings were objected to as not showing reference numeral 140a and 132. Applicants submit a drawing correction of Fig. 5 marked up in red including reference numeral 140a. Applicants could not find reference numeral 132 in the specification. Applicants request the Examiner provide a further specification of the objection.

The previously presented claims 1, 2, 4 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by previously cited U.S. Patent No. 627,227 to Fenton. Applicants submit that the teachings of this reference do not disclose or suggest the invention defined by the present claims.

Fenton discloses a bicycle handlebar to neutralize the jar and vibration conveyed to the rider through the usually rigid handlebar when riding over rough surfaces. An outwardly pressing coiled spring H encircles a plunger rod of the grasping handle between the head and a recessed nut. Another outwardly pressing coiled spring G is placed on the rod and bears against the opposite side of the nut. If a jar or vibration of the bicycle throws the rider forward, his grasp of the handle will cause it to be pushed and this movement takes place against the outward or opposite tension exerted by the spring H. Spring H uncoils to bring the parts into normal position again when the pressure from the rider" grasp is removed. If a jar or vibration of the bicycle throws the wheel forward and pulls on the rider's grasp, the grasping-handle will then slide backward and this movement takes place against the opposite tension exerted by the back spring G. Spring G uncoils to bring the parts again into normal position when the rider's grasp or pull on the handle is released.

In contrast to the invention defined by the present claims, Fenton does not teach or suggest a safety handlebar including a bias member and a dampener in which the dampener slows the return speed of the bias member upon impact towards its pre-impact position. Rather, Fenton teaches away from the present invention by teaching springs G and H for springing the parts back to the normal position when the rider's grasp is

released thereby increasing the speed of the parts rather than slowing the movement of the handle to its pre-impact position. There is no teaching or suggestion in Fenton of using a dampener to dampen displacement of the shaft away from the frame.

Applicants note that the dampener of the present invention prevents the bias member from springing back to its pre-impact position thereby decreasing impact force of the shaft with a rider. As described on page 2, lines 8-10, and page 12, lines 1-3, conventional bicycles have the disadvantage that on impact an additional blow is exerted by the handlebar on the rider by the returning shaft. In contrast, the present invention has the advantage that the shaft is prevented from springing back into the abdomen. There is no teaching or support of the use of a dampener in Fenton or the advantages associated therewith. Accordingly, the invention defined by the present claims is not anticipated by Fenton.

Claims 3 and 5 where rejected under 35 U.S.C. §103 as obvious in view of Fenton in combination with U.S. Patent No. 5,934,154 to Noel.

Noel teaches a handgrip with a protective cap. The protective end cap is attached to a non-hollow rigid support member. The non-hollow rigid support member is attached to a tubular member of the equipment. The end cap can be formed of a material which provides resiliency, durability and cushioning.

In contrast to the invention defined by the present claims, Noel does not teach or suggest a safety handlebar including a bias member and a dampener in which the dampener slows the return speed of the bias member upon impact towards its pre-impact position. Accordingly, Noel does not provide a dampener and does not cure the deficiencies of Fenton noted above. The invention defined by the present claims is not obvious in view of Fenton in combination with Noel since neither reference teaches a safety handlebar including a bias member and a dampener associated with a frame in which the dampener slows the return speed of the bias member.

Claims 12-14, 19 and 20 were rejected under 35 U.S.C. §103 as obvious in view of Fenton in combination with Johnson.

Johnsen discloses a shock absorbing bicycle seat. A piston assembly 71 is used to absorb high impact forces. The piston assembly includes metal washers 72, 74 and

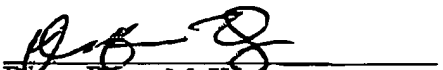
flexible washer 76 said divided there between. The washer cushions the impactive forces applied to the seat in addition to the spring reactive forces.

In contrast to the invention defined by the present claims, Johnsen does not teach or suggest a safety handlebar including a bias member and a dampener in which the dampener slows the return speed of the bias member upon impact towards its pre-impact position. In contrast, the flexible washer of 76 is used in combination with the spring to cushion heavy riders, to provide lateral stability and to cushion impactive forces applied to the seat in addition to the spring reactive forces. (Cols. 50-66) However, Johnsen does not teach or suggest the use of a dampener to slow the return speed of the bias member upon impact force towards its pre-impact position. Rather, in Johnsen, the flexible washer absorbs impact itself. Furthermore, Applicant submits one of ordinary skill in the art would not be motivated to combine a shock absorbing seat and a mounting post assembly of Johnsen with a bicycle handle bar of Fenton and its is only in hindsight that these references can be combined. However, even if the references were combined the invention defined by the present claims is not obvious in view of Fenton alone or in combination with Johnsen since neither reference teaches a safety handlebar including a bias member and a dampener in which the dampener slows the return speed of the bias member upon impact towards its pre-impact position. Accordingly, Johnsen does not cure the deficiencies of Fenton noted above.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and requests that all claims be allowed. The Examiner is invited to contact the undersigned should she believe that this would expedite prosecution of this

application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,



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Claims Marked to Show Changes

1. (Twice Amended) A safety handlebar comprising:

a frame having opposing, tubular outer ends;

a shaft having first and second shaft ends, the first shaft end being slidably connected with one of the tubular outer ends;

a bias member operatively associated with the shaft and the frame so as to bias the second shaft end away from the one tubular end of the frame; and

a dampener operatively associated with the shaft, the frame and the bias member, [frame so as to] said dampener slows a return speed of the bias member upon impact force with said frame towards its pre-impact position to dampen displacement of the second end of the shaft away from the frame,

wherein upon impact force with said frame, said bias member compresses and after the impact force is released, said dampener slows the return speed of said bias member towards its pre-impact position for preventing the second end of the shaft from springing back to its pre-impact position.

16. A child-safe handlebar comprising:

a generally tubular frame having a tubular outer end;

a shaft having opposing first and second ends, the first shaft end being slidably telescoped with the frame outer end; and

a fluid dampener operatively associated with the frame, [and] the shaft and the bias member, [at the outer end] said dampener slows a return speed of the bias member upon impact force with said frame towards its pre-impact position to slow movement of the shaft out of the outer end,

wherein upon impact force with said frame, said bias member compresses and after the impact force is released, said dampener slows the return speed of said bias member towards its pre-impact position for preventing the second end of the shaft from springing back to its pre-impact position.